

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
-----X

JOSHUA ZARETSKY

Plaintiff,

-against-

**ORDER**  
**08 CV 378 (DRH)(WDW)**

TOM DEBONIS, et al.,

Defendants.

-----X  
**HURLEY, Senior District Judge:**

On September 30, 2011, the Court granted plaintiff's motions for default judgment against defendants Robert Adlerstein, Rodney Boone, and Tom DeBonis (docket nos. 24 - 26), and referred the matter to Magistrate Judge Wall for an inquest on damages. Shortly thereafter, Judge Wall issued a Report and Recommendation ("Report"), concluding that (1) plaintiff is entitled to a total of \$43,590 in damages in this action, but that (2) plaintiff should not recover any of this amount from the defaulting defendants as he has already been compensated in the amount of \$56,000 by way of settlement payments from other parties based on the same claims. (Report at 5.)

On December 29, 2011, plaintiff filed proof of service of a copy of the Report and Recommendation upon the defendants. More than fourteen days have elapsed since service of the Report and Recommendation, and neither party has filed an objection. Additionally, in response to an inquiry from the Court (*see* docket no. 64 and Order dated 12/30/11), defendants Pecarole and Goldman confirmed that their counter and/or cross claims have all been settled by

stipulation between the relevant parties (*see* docket nos. 65, 67, 68). No claims therefore remain pending in this action.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, this Court adopts the October 3, 2011 Report and Recommendation of Judge Wall as if set forth herein. The Court directs the Clerk of Court to enter default judgment against defendants Robert Adlerstein, Rodney Boone, and Tom DeBonis, but that plaintiff take nothing in the way of damages or attorney fees from these defendants. Any application for costs or disbursements may be made to the Clerk of Court, who shall also close this case.

SO ORDERED.

Dated: Central Islip, N.Y.  
January 30, 2012

\_\_\_\_\_/s  
Denis R. Hurley  
United States District Judge